

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

16 FRONT STREET, LLC, and
C. RICHARD COTTON,

Plaintiffs

v.

GARY C. RIKARD, EXECUTIVE
DIRECTOR, MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL
QUALITY, IN HIS OFFICIAL
CAPACITY and AS EXECUTIVE
DIRECTOR OF THE MISSISSIPPI
ENVIRONMENTAL QUALITY PERMIT
BOARD,

Defendant

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CIVIL ACTION
No. 1:14-cv-183-DMB-DAS

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**MEMORANDUM IN SUPPORT OF JOINT MOTION FOR
STAY OF PROCEEDINGS**

16 Front Street LLC and C. Richard Cotton (“Plaintiffs”) and Gary C. Rikard, Executive Director, Mississippi Department of Environmental Quality and Director of the Mississippi Environmental Quality Permit Board (“Defendant”) (collectively, “the Parties”), all by counsel, jointly move to stay these proceedings for sixty (60) days to allow the Parties to undertake good faith settlement discussions. Consistent with the requested stay, the parties also request seven (7) days after any expiration of the stay to respond to the motion to intervene filed by Mississippi Silicon, LLC.

On July 23 and July 26, 2018, counsel for the Parties met to confer regarding the Plaintiffs’ claims against the Defendant pursuant to the citizen’s suit authority under Section

301(a)(1) of the Clean Air Act. 42 U.S.C. § 7604(a)(1). In those conferences, the Parties agreed to seek to resolve the Plaintiffs' claims against the Defendant through good faith settlement discussions.

On July 24, 2018, in between the two conferences of the Parties, Mississippi Silicon LLC moved to intervene in the litigation. The motion to intervene could be rendered moot by the discussions between the Parties. Even if not mooted, Mississippi Silicon LLC would not be prejudiced by staying response to the motion along with all other proceedings in the case.

THEREFORE, the Parties respectfully request this Court to enter an order (1) staying all proceedings in this case, including the time to respond to the deadlines set forth in the Court's Rule 16 Initial Order (Doc. # 137) for sixty (60) days; and (2) extending the time to respond to the Motion to Intervene filed by Mississippi Silicon, LLC (Doc. # 138) until seven (7) days after the expiration of the stay. If the Parties agree that additional time will be necessary to continue good faith settlement discussions, the Parties will jointly seek an extension of this Court's stay.

Respectfully submitted,

s/ Ronnie Musgrove
Ronnie Musgrove
Musgrove Smith Law
599 Highland Colony Pkwy
Suite 110
Ridgeland, MS 39157
T: 601-852-1696
Musgrove@musgrovesmith.com

John E. Griffith Jr.
DLA Piper LLP
6225 Smith Avenue
Baltimore , MD 21209
T: 410-580-4166
F: 410-580-3166
john.griffith@dlapiper.com

Paul Wierenga
DLA Piper LLP
500 8th Street, NW
Washington , DC 20004
T: 202-799-4401
F: 202-799-5401
paul.wierenga@dlapiper.com

Counsel for Plaintiffs

s/ Donna J. Hodges
Donna J. Hodges
Mississippi Department of Environmental Quality
515 E. Amite Street
Jackson, MS 39201
Post Office Box 2261
Jackson, Mississippi 39225-2261
T: 601-961-5369
F: 601-961-5349
donna_hodges@deq.state.ms.us

Lee Davis Thames, Jr.
Mississippi Attorney General's Office
Walter Sillers Building 550 High Street, Suite 1100
P.O. Box 220
Jackson , MS 39205-0220
T: 601-359-4245
F: 601-359-2003
Ltham@ago.State.Ms.Us

Counsel for Defendant

CERTIFICATE OF SERVICE

I, Ronnie Musgrove, hereby certify that I caused the foregoing Memorandum in Support of Joint Motion for Stay of Proceedings to be filed with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to all parties.

Dated: July 31, 2018

s/ Ronnie Musgrove _____
Ronnie Musgrove